

Abstract

Remedial measures in criminal law are set mainly to eliminate and correct mistakes, which have occurred in the course of the trial. It acts as a review and a remedy of law and legal defects. It can be divided into regular and special ones. Amid the regular remedial measures belong appeal, complaint and protest, to a group of special remedial measures belong apart from a renewal of proceedings, a review of an appeal and a complaint for the breach of law.

Renewal of proceedings is a special remedial measure, which brings with itself interference into legal power. Renewal of proceedings with which one can contest only some legitimate decisions, in which criminal prosecution has already finished, is used for a removal of shortcomings in factual findings, because at that time all the decisive facts had not been known and the evidence, which came up only after the former decision has come into legal force. New evidence or facts underlying this extraordinary breach into inalterability and binding of judgments made in criminal proceedings are only the facts that were not part of evidence or survey or were not applied by any of the parties engaged in the proceedings and the only evidence that was not designed nor made by either party during the proceedings. As new evidence can be even used evidence already used in preceding proceedings but the content of the evidence must have substantially altered. New evidence can concern either in the previous proceedings relied on facts or even completely new facts. New facts can be rendered by earlier evidence or made by entirely new evidence, which in the main proceedings were not known. Renewal of proceedings is not based on revision principle; it is not required to review all statements of the contested decision in preceding proceeding without regard to alleged defects. In renewal of proceedings the merits of proposal are examined in the framework defined by the proposal. Assessed is the enquiry whether new evidence and facts that were not previously known to the law enforcement authorities active in criminal proceedings, might justify a different decision.

The list of final decisions to permit a renewal of proceedings is limited by law to judgment of guilt or discharge, criminal order, a resolution on suspension of criminal proceedings, a resolution on conditional suspension of prosecution and a resolution to cede the matter to another body.